

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/021,813	COHEN, WAYNE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael C. Miggins	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The amendment filed on 08 April 2004 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
*1772*

*2/10/05*

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: After the notice of allowance and before payment of the issue fee applicant filed a 312 amendment, 2/23/04, per an agreement between the attorney of record and the examiner, see notice of allowance of 12/2/2003 and interview summary contained therein. However, said notice of allowance was never scanned into IFW and as a result the 312 amendment was rejected by mistake. In order to correct the mistake applicant will file the original 312 with corrections to the claim identifiers along with a petition to withdraw the case from issue. At which time applicant files the 312/petition the 312 will be entered as long as no prior art is found and as long as the wording of the claims is identical to that of the original 312 amendment filed 2/23/04.

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The case is a paper case

~~don't have paper vs different stages~~